

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ERICA VOLNA, INDIVIDUALLY AND §  
AS NEXT FRIEND OF E.V., A MINOR §  
CHILD § Civil Action No. 4:18-CV-01236  
Plaintiff, § JURY TRIAL REQUESTED  
vs. §  
§  
GRACO CHILDREN'S PRODUCTS, §  
INC. AND INDIANA MILLS & §  
MANUFACTURING, INC. §  
Defendants. §

**AGREED MOTION TO EXTEND DISCOVERY DEADLINES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, ERICA VOLNA, INDIVIDUALLY AND AS NEXT FRIEND OF E.V., A MINOR, Plaintiff, GRACO CHILDREN'S PRODUCTS INC. and INDIANA MILLS & MANUFACTURING, INC., Defendants, and file this Agreed Motion to Extend Deadline for Parties to Complete Discovery and Designate Expert Witnesses and in support of such, would respectfully show the Court the following:

**I.**  
**INTRODUCTION AND FACTS**

1. Plaintiff is Erica Volna, Individually and as Next Friend of E.V.
2. Defendants are Graco Children's Products Inc. and Indiana Mills & Manufacturing, Inc.
3. This is a lawsuit brought by Plaintiff in which Plaintiff alleges that her daughter sustained a brain injury in a motor vehicle accident that occurred on September 16, 2016 as a result of an allegedly defective car seat designed, manufactured, marketed

and sold by Defendant GRACO CHILDREN'S PRODUCTS INC., which contained an allegedly defective latching system designed, manufactured, marketed and sold by Defendant INDIANA MILLS & MANUFACTURING, INC.

4. This matter is currently set for a trial docket call on September 27, 2021.

**II.  
THE PARTIES NEED TO EXTEND DEADLINE FOR PARTIES  
TO DESIGNATE EXPERTS**

5. The current deadline for Plaintiff, or the party with the burden of proof, to designate expert witnesses and expert opinions as required under Federal Rule of Civil Procedure 26(a)(2) is January 11, 2021.

6. The current deadline for Defendants, or the party without the burden of proof, to designate expert witnesses and expert opinions as required under Federal Rule of Civil Procedure 26(a)(2) is February 10, 2021.

7. The parties had been working diligently to complete fact discovery in a manner that allows the parties to be ready for trial by the trial docket call on September 27, 2021. Based upon the progress of discovery to-date, the parties anticipate that they will be able to do so. Nonetheless, the parties are in need of a modest extension of certain of the discovery deadlines to enable them to complete expert discovery.

8. Since the operative Amended Scheduling Order was entered on July 8, 2020, the parties have worked diligently to complete the remaining fact discovery. Since that time, the parties have taken a half-dozen depositions, despite the difficulties imposed by the COVID-19 pandemic and related restrictions.

9. In addition to those depositions, Plaintiff had noticed the 30(b)(6) deposition of Graco for December 15, 2020. The parties anticipated that that deposition would go

forward as scheduled. Shortly before that deposition, however, Graco's designated witness was diagnosed with COVID-19. As a result of that unanticipated and unfortunate development, the parties were forced to continue that deposition and are in the process of rescheduling it. The parties anticipate that deposition will be able to be completed by the end of January 2021.

10. The deposition of Graco must be completed in advance of Plaintiff being able to disclose her expert witnesses. As that is no longer possible in light of that deposition being delayed by events outside the parties' control, a modest extension of the discovery deadline and expert disclosure deadlines is necessary. The parties do not currently anticipate that the requested extension of those discovery deadlines will affect the trial date.

11. Accordingly, as set forth herein, in light of the additional time that the parties agree is necessary to complete required discovery, the parties respectfully request the Court extend the current deadlines to allow for the completion of that discovery. In connection therewith, the parties respectfully suggest the following proposed amended discovery schedule:

- a. Plaintiff's expert disclosures due by March 31, 2021
- b. Defendants' expert disclosures due by April 30, 2021
- c. Discovery close on May 31, 2021
- d. Motions deadline of June 15, 2021.

12. This motion is not filed for delay but is being filed in the interests of justice so that discovery can be completed.

WHEREFORE PREMISES CONSIDERED, Plaintiff and Defendants respectfully requests that this Court grant their Agreed Motion to Extend Discovery Deadlines and that certain of the discovery deadlines in the operative Scheduling Order be amended to allow Plaintiff to timely designate experts by March 31, 2021, allow Defendants to timely designate experts by April 30, 2021, allow parties until May 31, 2021 to complete discovery, and to set a motion deadline of June 15, 2021, in addition to all other relief to which Plaintiff and Defendants may be justly entitled.

Dated: December 29, 2020

Respectfully Submitted,

**ANTHONY & PETERSON, LLP.**

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